



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,407	09/30/1999	THOMAS L. STACHURA	042390.P7090	8269

7590 06/19/2002

ALOYSIUS T C AUYEUNG
C/O BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES, CA 90025

EXAMINER

MIRZA, ADNAN M

ART UNIT PAPER NUMBER

2152

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/411,407

Applicant(s)

STACHURA ET AL.

Examiner

Adnan M Mirza

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04-12-02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 17-23 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2152

1. Applicant's election with traverse of 1-16 in Paper No. 09411407 is acknowledged. The traversal is on the ground(s) that Group I (1-16) and Group II (17-23) are based on Client-Server paradigm. This is not found persuasive because Group I (1-16) tree has "sensor" in claim 8 and "Status register" in claim 5 which are missing in Group II (17-23). In the same aspect Group II (17-23) has "diagnostic mode" in claim 22 and "reduced function operational state" in claim 20 which are not part of the group I (1-16) tree.

The requirement is still deemed proper and is therefore made FINAL.

DETAILED ACTION

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 recites the limitation "determined current state" in claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Farrand et al (U.S. 5,309,563), and in view of Nouri et al (U.S. 6,065,053).

As per claim 1 Farrand disclosed in a client device, a method comprising: receiving externally provided control operations; determining a current operating state of said client device (col. 5, lines 36-39); and

However Farrand failed to disclose a conditionally executing said control operations if execution of said control operations are permitted while said client device is in said determined current state. In the same field of endeavor Nouri disclosed a conditionally executing said control operations if execution of said control operations are permitted while said client device is in said determined current state (col. 6, lines 2-12).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated permitting execution of said control operations when the client device is in said determined current state as taught by Nouri in the method of Farrand to make the method less time dependent and more versatile.

6. As per claim 2 Nouri disclosed wherein receiving externally provided control operations includes receiving a system reset operation (col. 5, lines 24-26).

7. As per claim 3 Nouri disclosed wherein receiving externally provided control operations includes receiving a system power operation (col. 6, lines 36-39).

8. As per claim 4 Nouri disclosed wherein said externally provided control operations are received from a server device coupled to said client device over a network (col.5, lines 54-63).

9. As per claim 5 Nouri disclosed wherein said current operating state of said client device is determined by inspecting at least one status register on said client (col. 5, lines 31-37).

Art Unit: 2152

10. As per claim 6 Nouri disclosed wherein said control operations are permitted while said client device is in a system hung state (col. 13, lines 31-37).
11. As per claim 7 & 16 Farrand disclosed wherein said externally provided control operations are received via a network data packet encapsulated according to a remote management and control protocol (RMCP) (col. 2, lines 55-61).
12. As per claim 8 Nouri disclosed An apparatus comprising: a first electronic component; a bus; a, sensor coupled o said bus and said first electronic component (col. 22, lines 32-65); and a second electronic component coupled to said bus to conditionally cause said first electronic component to perform a plurality of functions through said sensor, via said bus, responsive to externally provided control operations (col. 12, lines 50-62).
13. As per claim 9 Nouri disclosed wherein said first electronic component further comprises a reset pin, and wherein said second electronic component coupled to said bus conditionally causes said first electronic component to perform a reset function (col. 15, lines 21-60).
14. As per claim 10 Nouri disclosed wherein said first electronic component includes a processor (col. 15, lines 21-60).
15. As per claim 11 Nouri disclosed wherein said bus includes a system management bus (col. 8, lines 18-23).
16. As per claim 12 Nouri disclosed further comprising a network controller (col. 8, lines 5-18).
17. As per claim 13 Nouri disclosed wherein said external control operations are provided by a server device connected to said apparatus through said network controller (col. 8, lines 5-18).

Art Unit: 2152

18. As per claim 14 Nouri disclosed further comprising: an operating system; and a processor to execute said operating system (col 6, lines 58-65).

19. As per claim 15 Nouri disclosed wherein said second electronic component conditionally causes said first electronic component to perform said plurality of functions prior to said operating system having been executed by said processor (col. 12, lines 50-62).

Conclusion

20. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

21. The examiner can normally be reached on Monday to Friday during normal business hours.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703)-305-4815. The fax for this group is (703)-746-7239.

23. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"), 703)-746-7238 (For After Final Communications).

Art Unit: 2152

24. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231

Or faxed to:

Hand-delivered responses should be brought to 4th Floor Receptionist, Crystal Park II,
2021 Crystal Drive, Arlington, VA 22202.

AM

Adnan Mirza

Examiner

Art Unit 2152

MEHMET B. GECKIL
PRIMARY EXAMINER

Mehmet Geckil

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes **incorporated** therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.